IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3922 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NIMAVAT AMITKUMAR KESHWALAL
Versus
STATE OF GUJARAT AND OTHERS

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Appearance :
MR MANISH R RAVAL for the Petitioner

Mr Neeraj Soni, Assistant Government Pleader for respondents Nos.1 & 2
MR AM PAREKH for Respondent No.3

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 21/06/2007

ORAL JUDGMENT

Rule. Mr Neeraj Soni, learned Assistant Government Pleader

waives service of Rule for respondent Nos.1 and 2 and Mr Ashok M Parekh, learned advocate waives service of Rule for respondent No.3. With the consent of the learned counsel for the parties, this matter is taken up for final hearing at the admission stage.

This petition is filed to challenge order dated 2.12.12006 whereby the allotment of fair-price shop in favour of the petitioner is canceled and it is made in favour of respondent No.3.

Today, Mr A.M. Parekh, learned advocate appearing for respondent No.3 has declared that his client is not interested in running the fair-price shop for the domestic reasons. In support of his statement, Mr Parekh also puts on record a communication received from his client dated 21.12.2006. In view of the aforesaid, order dated 2.12.2006 passed by the State Government is quashed and order of the respondent No.2 dated 1.2.2006 allotting fair-price shop in favour of the petitioner stands restored. Petition is therefore allowed. Rule is made absolute.

(Akshay H Mehta, J.)

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